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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,206	02/24/2005	Johannes Lindemann	916-4 PCT/US	5174

23869 7590 03/26/2007
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EXAMINER

VANOY, TIMOTHY C

ART UNIT	PAPER NUMBER
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1754

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/509,206

Applicant(s)

LINDEMANN ET AL.

Examiner

Timothy C. Vanoy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08 Mar. 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent 5,385,671 to Talbot et al.

The abstract and Figure 2 in U. S. Patent 5,385,671 discloses a method for producing magnesium hydroxide by feeding magnesium sulfate and sodium hydroxide into a reaction tank (14) so that the magnesium sulfate and sodium hydroxide react to produce a precipitate of magnesium hydroxide (please also see col. 2 lines 21-27), and pumping the resulting magnesium hydroxide slurry through two ultrafiltration membrane banks arranged in parallel with respect to the flow of magnesium hydroxide slurry so that (evidently) the magnesium hydroxide particles are retained on the surface of the filter as a retentate and the sodium sulfate solution passes through the filter as a permeate (please see col. 1 lines 41-62).

Please note that figure 2 appears to illustrate the passage of the permeate from one filter to another filter within the bank of filters, in a manner that appears to meet the limitation "a permeate produced by filtration of the suspension is fed to the cross-flow filtration installation (3, 7, 14-17) again" set forth in applicants' claim 1 and also the limitation "there is provided at least one conduit for recycling the permeate into the or a further cross-flow filtration unit (7)" set forth in applicants' claim 20.

Response to Arguments

Applicants' arguments submitted with their Amendment filed on Mar. 8, 2007 have been fully considered but they are not persuasive.

a) *The applicants argue that Talbot et al. is directed to the method of magnesium hydroxide recovery from a mixture of particulate magnesium hydroxide and dissolved sodium sulphate in water. This mixture is initially held in a reaction/wash tank 14 (col. 2 Ins. 21-27). As clearly shown in Fig. 1, the filtered permeate is released to drain after passing through the filter backs 16, 18. Only the recovered magnesium hydroxide is transferred back to the wash tank 14 or is transferred to an adjusting tank when the process is terminated (see Fig. 1, col. 3 Ins. 13-20).*

Figure 2 illustrates a different scenario. In Fig. 2, the permeate passes through the membranes and is then discharged (i. e. the argued "released to drain") into the reaction/wash tank 14 (please see the arrow leading into the reaction/wash tank 14 on the right hand side of the reaction/wash tank 14 and note that this arrow appears to reflect the flow of the permeate). From the reaction/wash tank 14, the permeate is then

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re-cycled back to an upstream membrane - in a manner that meets the limitation: "a permeate produced by filtration of the suspension is fed to the cross-flow filtration installation (3, 7, 14-17) again" set forth in applicants' claim 1.

b) *The applicants argue that both their claims 1 and 20 require the permeate to be fed through a cross-flow filtration installation or unit. Talbot et al. discard the permeate, rather than applying the permeate to further filtration.*

The argument is not persuasive for the reasons set forth in sub-paragraph (a) above.

Proposed Examiner's Amendment

In claim 1 line 7, insert --directly-- between "is" and "fed".

In claim 19 line 2, insert --hydroxide-- between "metal" and "is".

Cancel claim 20.

It is submitted that this proposed Examiner's Amendment would overcome the rejection of the claims over U. S. Pat. 5,385,671 because U. S. Pat. 5,385,671 does not directly feed the permeate back to the cross-flow filtration installation again (U. S. Pat. 5,385,671 indirectly feeds the permeate back to the cross-flow installation again via the reaction/wash tank 14).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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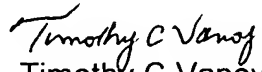
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy C. Vanoy whose telephone number is 571-272-8158. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Timothy C Vanoy
Primary Examiner
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